

# 44th Judicial Circuit Drug Court

DOUGLAS

OZARK

WRIGHT



**OPERATIONS MANUAL  
2000**

*Operations Manual produced by,  
Coordinator, Trisha Schaeffer, JY 2000  
under the direct supervision of  
Roger Wall, Associate Circuit Judge  
John Moody, Presiding Circuit Judge  
\*Subject for review, August JY 2001*

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## **44<sup>th</sup> Judicial Circuit Drug Court**

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### **MISSION STATEMENT**

The 44<sup>th</sup> Judicial Drug Court was established in order to provide an alternative method of sentencing for criminal defendants charged with a felony drug or drug related offense. The main objective of the Drug Court program is to reduce the recidivism rate of felony drug related offenses by offering select defendants, exhibiting signs of addiction to chemical substance, an intensively supervised drug treatment program. Through medical treatment and education about the physical and psychological effects of drug addiction, the Drug Court program will enable felony offenders the ability to attain the skills, knowledge, motivation, and self-esteem, to render themselves free from chemical substance so that they may lead a productive life in accordance with societal norms. By achieving this goal, the likelihood of the defendant re-offending is greatly reduced, thereby ultimately reducing the population of the correctional institutions across the state and nation.

## **44<sup>th</sup> Judicial Circuit Drug Court**

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### **Program Outline**

The 44<sup>th</sup> Judicial Drug Court Program is an intensive court-supervised, comprehensive treatment program for non-violent, felony offenders, who exhibit signs of chemical substance abuse, and have a minimal history of prior criminal convictions. Admission to the Drug Court program is a completely voluntary choice made by the defendant, which includes regularly scheduled court appearances before the Judge and the Drug Court Team. Individual programs will be established by the Treatment Facilitator, for each participant, that will best meet their specific needs. Treatment will include, but is not limited to, random urinalysis to screen for drug use, individual and group counseling, regular attendance at a twelve step recovery program (A.A. – Alcoholics Anonymous and/or N.A. – Narcotics Anonymous), and regularly scheduled meetings with a Diversion Manager. The defendants are expected to remain drug free during their time in the Drug Court program, establish and/or maintain employment or be enrolled in an educational training program, meet any court ordered financial obligations necessary and fully cooperate with the guidelines set forth by the Drug Court Team.

The average length of the Drug Court Program will be approximately twelve (12) months in duration. However, depending on the success rate of each individual participant, the program could run as long as eighteen (18) months in duration. Upon successful completion and "graduation" from the Drug Court Program the defendant may have original criminal charges dismissed or expunged from their criminal record.

Currently, Judge Roger Wall will be presiding over the Drug Court Program in Douglas County, Judge John Jacobs in Ozark County, and Judge Noble Leighton will be presiding over the Drug Court Program in Wright County, Missouri. Final determination of entry into the Drug Court Program shall only be made by the Judge presiding over Drug Court for each specific county, based on information and input from Drug Court Team, with significant consideration being given to the opinion of the Prosecuting Attorney for said county. Team members also include the Defense Attorney, Diversion Manager (Probation Officer), Treatment Facilitator, and the Drug Court Coordinator.

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## DRUG COURT TEAM ROLES

**JUDGE:** The role of the Judge is essential to the success of the Drug Court, as their legitimate authority has an extremely powerful impact on the participants. Knowing that each participant is required to appear before, and answer directly to the Judge every other week, has a significant impact on the success of each Drug Court participant. Based on the information presented at the pre-court team meeting, the Judge will address each individual participant and administer reinforcement of positive behaviors, identify areas that need to be improved upon, and impose consequences as the need arises. The Judge will make written entry into participant's file regarding the Drug Court's team decision, as well as the action taken. The Judge will have the power to make final determination on any decision matter of the Drug Court.

**PROSECUTING ATTORNEY:** The primary role of the prosecuting attorney is to protect the community at large and administer fair and just sentencing to each individual criminal. By reducing the recidivism rate among criminals, the Prosecuting Attorney will accomplish that goal. Along with the Drug Court team, the Prosecuting Attorney will establish a degree of acceptable criminal action to act as a "qualifying offense" that will ultimately be the determinant of acceptance or disqualification of each individual candidate into the 44<sup>th</sup> Judicial Drug Court. The Prosecuting Attorney is the one team member that can offer the defendant the opportunity to volunteer into the Drug Court program. While the decision of acceptance or denial of each participant should be based on an agreed consensus of the entire team, the opinion of the prosecuting attorney should be granted great significance.

**PUBLIC DEFENDER:** The primary role of the public defender is to ensure that the rights of the volunteer participants have not been violated. The role of the public defender, as a member of the Drug Court team, is to act in the best interest of the volunteer participants by assisting clients with any legal questioning pertaining to the Drug Court program. While the Public Defender is a member of the Drug Court team, in regards to their own clients, they will work in collaboration with the Judge, Prosecutor, and members of the criminal justice system and treatment community in advancing shared objectives. The Public Defender will not act in the capacity of private defense counsel to non-indigent Drug Court participants.

**DIVERSION MANAGER:** The diversion manager will be a certified officer from the Department of Safety, Probation and Parole. The diversion manager will be responsible for the intensive supervision of each participant, and act as liaison between the treatment facilitator and the Drug Court team as a whole. The diversion manager will administer random urine analysis testing to participants and report results, as well as recommendations, to the Drug Court team during the regularly scheduled pre-court team meetings.

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**TREATMENT FACILITATOR:** The treatment facilitator will be responsible for the overseeing and establishing of all necessary treatment service and providing educational information related to substance abuse to the participant. The treatment facilitator will conduct an evaluation of each potential Drug Court candidate and report findings back to the Drug Court Team. The Treatment facilitator will advise the Drug Court team of the individual accomplishments and/or failures that each participant has between regularly scheduled court appearance, as well as offer suggestion that will aid in the recovery of each individual participant. Treatment provider will administer random urine analysis to participants and report finding to Drug Court team at regularly scheduled pre-court team meetings.

**COORDINATOR:** The role of the coordinator is to act as liaison between the Judge, Prosecuting Attorney, Public Defender, Diversion Manager, Treatment Facilitator, and representatives of outside agencies. The Coordinator will act as the receiver of all referrals to the Drug Court program, advise potential participants of necessary contacts (ie. Diversion Manager, treatment services, community service supervisor, etc.) that need to be made prior to team's accepting or declining of an application to enter into the Drug Court program, as well as create individual Drug Court file. Coordinator will present application to Drug Court team during regularly scheduled pre-court team meetings and ensure the updating of participant's files.

The coordinator is also responsible for scheduling of court and team meetings, maintaining necessary forms and the official Drug Court Operations Manual, disseminating information regarding the Drug Court program to the general public as well as other active members of the criminal justice system and medical treatment centers. The Coordinator is also responsible for facilitating all team meetings and keeping the team apprised of recently updated information regarding Drug Courts across the state and nation.

# 44<sup>th</sup> Judicial Circuit Drug Court

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P.O. Box 276

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## DRUG COURT TEAMS

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#### Judge

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## **44<sup>th</sup> Judicial Circuit Drug Court**

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### **PROGRAM PHASES**

**Initial Assessment Phase:** (Completed within 30 days from charge(s) having been filed.  
May be extended for extenuating circumstances.)

- Referral to Drug Court program
- Meet eligibility criteria established by Drug Court Team
- Complete full substance abuse (ISAP screening) and mental health evaluation conducted by South Central Missouri Rehabilitation Services
- Appear before Judge to hear formal charges against said prospective participant and make determination of acceptance into Drug Court program
- Make full payment of \$50.00 for initial program fees

#### **Phase I: (Approximately 80 days in duration)**

- In-depth assessment of individual to identify particular areas requiring intervention (i.e. substance of choice, medical history, home/relationship environment, employment, and/or education)
- Develop individual treatment program with treatment facilitator
- Meet with Diversion Manager minimally twice (2x) each week
- Meet with treatment facilitator minimally once (1 x) each week
- Attend AA or NA meetings minimally twice (2 x) each week
- Make formal court appearance in front of Judge and Drug Court team twice (2 x) each month. (Pay required fee of \$5.00 for each court appearance)
- Random urinalysis: Up to four (4) drops each week

#### **Phase II: (Approximately 6 months in duration)**

- Continuation of individual treatment program
- Meet with Diversion Manager minimally once (2 x) each month
- Meet with treatment facilitator minimally once (2 x) each month
- Make formal court appearance in front of Judge and Drug Court team minimally once (1 x) each month (Pay required fee of \$5.00 for each court appearance)
- Attend AA or NA meeting minimally once (1 x) each week
- Random urinalysis: Up to two (2) drops each week
- Be gainfully employed or in educational training program, and meeting any court ordered financial obligations as indicated within individual program plan
- Complete 40 hours of community service

#### **Phase III: (Approximately 4 months in duration)**

- Meet with Diversion Manager minimally once (1 x) each month
- Meet with treatment facilitator minimally once (1 x) each month
- Make formal court appearance before Judge and Drug Court team minimally once (1 x) each month (Pay required \$5.00 fee for each court appearance)
- Attend AA or NA meetings as prescribed by treatment facilitator
- Random urinalysis
- Continue to be gainfully employed or in educational training program, and meeting any court ordered financial obligation
- Payment in full, not to exceed \$100.00, for Drug Court dismissal fees

# PROCEDURAL GUIDELINES

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The Drug Court Team, which is comprised of the Judge, Prosecuting Attorney, Public Defender, Diversion Manager, Treatment Facilitator, and Coordinator, will convene on a bi-weekly base<sup>1</sup> for regularly scheduled pre-court team meetings, and Drug Court appearance. The coordinator will prepare an agenda for the meeting that will include the name of each participant. The team will review the progress of each participant based on the information provided by the Treatment Facilitator and the Diversion Manager and a recommendation for further advancement will be made and recorded in the participant's Drug Court file. The agenda will also include a list of defendants petitioning the Drug Court Team for admission. The team will review such applicants and refer them to the initial assessment phase.

## REFERRAL/ INITIAL ASSESSMENT PHASE

Referrals into the Drug Court program may come from numerous branches of the criminal justice system. Referrals can be presented to the Drug Court team from the Prosecuting Attorney, Public Defender, Judge, private counsel, the arresting agency, or even the family or close friends of the defendant. Once a referral has been made the following steps will apply

- STEP 1.)** All referrals will be presented to the Drug Court Coordinator. The Coordinator will be responsible for having interested applicant fill out and submit the formal application (FORM 1010), and a personal work-up sheet (FORM 1011).
- STEP 2.)** The Coordinator will present application to the Drug Court team at the next consecutively scheduled Drug Court Team meeting. At that time, Coordinator will request background check on applicant (process may be performed by either the Prosecuting Attorney or the Diversion Manager), and completion of eligibility form (FORM 1020). The Prosecuting Attorney will normally complete eligibility form. Coordinator will request Treatment Facilitator to oversee the ISAP screening and personal evaluation of perspective applicant and have defendant read and sign information release (FORM 1040). Coordinator will notify applicant to appear in court on the next consecutively scheduled Drug Court date.

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<sup>1</sup> Drug Court sessions will normally be held on bi-weekly bases. However, due to normal court scheduling and the fact that some months have five weeks as opposed to four, there will be times that Drug Court sessions are held twice a month rather than bi-weekly.

**STEP 3.)** Drug Court team will review application and jointly make determination of acceptance or denial of applicant, as well as a recommendation of the defendant being granted admission into the Drug Court Program on a pre-trial diversionary track or a post-plea probationary track, based on accumulated information and consensus among the team members. Applicant will fill out and sign a Drug Court Contract (FORM 1030) and a client rights and benefits form (FORM 1030-B).

**PRE-TRIAL DIVERSIONARY TRACK:** Upon successful completion from the Drug Court Program, the criminal charge(s) against you for this case, will be dismissed and you can never be convicted for that charge(s).

**POST-PLEA PROBATIONARY TRACK:** Upon successful completion from the Drug Court Program, the criminal charge(s) will be expunged from your criminal record, for most purposes, and you can never be convicted for that charge(s).

**IF APPLICATION IS ACCEPTED:** Judge will call applicant to the bench and advise defendant of charges pending against them and the possible sentence for offense. Judge will then reaffirm desire for voluntary participation on behalf of the defendant, into Drug Court Program and inform participant of the conditions of the Waiver (FORM 1035). Defendant must pay a \$50.00 fee upon accepted in to the Drug Court Program. Judge will then make formal acceptance of defendant into Drug Court Program. Judge will record acceptance date into individual Drug Court file\*.

**IF APPLICATION IS DENIED:** In the event that the defendant requesting admission into the Drug Court Program is not legally represented by the Public Defender's office, the Coordinator will inform applicant, and private counsel if applicable, of the Drug Court Team's decision to deny application. Defendant will continue with normal court proceedings through Division II Circuit Court.

## **PHASE I**

Once a participant has been accepted into the Drug Court Program they are required to begin fulfillment of the obligations set forth in the program phase guidelines (page 7), until which time participant has met the requirements for a successful completion or is termination from the Drug Court Program.

**STEP 1.)** Once the participant is formally accepted into the Drug Court Program, he/she will enter into phase I and immediately begin medical treatment for substance abuse, through designated treatment facility, as well as educational information regarding substance abuse. Participant will set up schedule to meet with Treatment Facilitator one (1) to two (2) times each week. A brief synopsis of the participant's progress will be delivered to the Drug Court Team during the next regularly scheduled pre-court meeting. The Treatment Facilitator has the authority to administer random urine analysis to all participants. Results\* (see enforcement of sanctions, page 13) of U.A. shall be included in the synopsis of the participant's

progress. During Phase I the participant will also be required to schedule and meet with Diversion Manager (Parole Officer) two (2) times each week. Diversion Manager will also have the authority to administer random urine analysis to participants. Diversion Manager will also provide brief synopsis of participant's progress to Drug Court Team during the regularly scheduled pre-court meeting. Participant is also required to attend two (2) outside Alcoholics Anonymous (A.A.) or Narcotics Anonymous (N.A.) meetings each week.

**STEP 2.)** Drug Court Team will meet during regularly scheduled bi-monthly meeting to discuss the progress of each individual participant. Discussion for each participant will address issue pertaining to each participant meeting the requirements, in a timely manner, as outlined in the Program Phases guidelines (page 7). Decision will be made, based upon prior knowledge of the participant, as to the action (sanction or incentive) to be applied to each individual participant.

**STEP 3.)** The Drug Court Team will be present in courtroom while the Judge calls each participant to the bench. The Judge will address the progress findings, and order any sanctions or incentives that the Drug Court Team deemed necessary, which may include advancement into higher phase (page 7), or implementation of sanctions to be administered (page 13). The Judge will make all final decisions and notation into each participant's Drug Court file.

## **PHASE II**

**STEP 1.)** Participant will have successfully met all requirements of Phase I.

**STEP 2.)** Participant will continue to make regularly scheduled court appearances, however, the number of required appearances in front of the Judge may be reduced by decision of the Drug Court Team based on participant's progress. Participant will appear in front of the Judge at least once during each month of Phase II. Participants will continue to meet with Treatment Facilitator and Diversion Manager. The number of required contacts by the participant with Treatment Facilitator and the Diversion Manager may be reduced to a minimum of two meetings each month, as well as the required number of random urine analysis, depending on the progress of the participant, and the consensus of the Drug Court Team.

**STEP 3.)** Participant will now be required to seek employment or enroll in an educational training program. Participant will be required to meet 95% attendance while engaged in employment or schooling program. The participant will also be required to make arrangements to meet any court ordered financial obligation, in addition to paying Drug Court fees.

**STEP 4.)** Participant is required to complete forty (40) hours of community service before advancement to Phase III. (Extenuating circumstances may exist which will not allow participant to complete community service hours.

Should this problem arise, the Drug Court Team will make a determination to address said issue).

### **PHASE III**

- STEP 1.)** Participant will continue to meet required contacts with both the Treatment Facilitator and the Diversion Manager. These contacts will be no less than one time each month, with both the Treatment Facilitator and the Diversion Manager, until successful graduation from the Drug Court Program has been obtained or termination from the program. The number of required contacts will be contingent upon the recommendations of the Drug Court Team, based on the participant's progress and attitude. Participant will make no less than one (1) formal court appearance in front of the Judge each month. Sanctions and Incentives will still be applied to participant at the discretion of the Drug Court Team. Required attendance at A.A. or N.A. meeting will as recommended by the consensus of the Drug Court team. Participant is subject to random urine analysis.
- STEP 2.)** Participant will be gainfully employed or enrolled in an educational training program, and maintaining a 95% attendance rate. Participant will continue to meet (or make arraignments to meet) any court ordered financial obligations.
- STEP 3.)** Participant will have paid in full, all fees associated with Drug Court Program.
- STEP 4.)** Participant will have successfully completed all requirements for graduation from Drug Court Program (FORM 1050).

## **44<sup>th</sup> Judicial Circuit Drug Court**

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### **SANCTIONS**

Should a participant of the Drug Court program fail to meet the requirements of Drug Court contract or the expectations of their individualized program, the Drug Court Team, based upon the individual team review of progress, may, at their discretion, order any one or more of the following sanctions:

- In-care patient treatment
- Increased urinalysis testing
- Additional meetings with Diversion Manager
- Additional meetings with Treatment Facilitator
- Additional twelve step program meetings
- Additional community service hours
- Imposed curfew
- Serving a period of time in jail
- Being demoted to lower phase
- Termination from the Drug Court program

### **INCENTIVES**

When a participant of the Drug Court program exhibits significant signs of cooperation and/or outstanding progress with their individualized program, the Drug Court Team, based upon the individual team review of progress, may, at their discretion, reward participants with incentives such as but not limited to:

- Reduction of meetings with Diversion Manager
- Reduction of meetings with Treatment Facilitator
- Reduction of meeting associated with a twelve step program
- Certificates of accomplishment
- Passes to area shows
- Gift certificates for meals
- Early advancement from one phase level to the next
- Early Graduation from Drug Court Program

## ENFORCEMENT OF SANCTIONS

While it is expected that all participants, having voluntarily enrolled, in the Drug Court Program will maintain a lifestyle that is completely free from all types of illegal drugs and alcohol, it is also anticipated that some participants may have periods of relapse, due to the nature of chemical dependency. As it is the intent of the Drug Court program to impress upon its participants the necessity of their being accountable for their actions, while in the Drug Court program as well as in "real life," it may be necessary for the Drug Court team to impose sanctions against said participants when the requirements for participation, as outlined in Drug Court contract (FORM 1030) have not been met, or are violated.

Sanctions will be enforced upon a participant for violations of the Drug Court contract that include, but not limited to:

- Dirty U.A. (testing positive for chemical substance in urine analysis)
- Failure to show for scheduled meeting with Treatment Facilitator
- Failure to show for scheduled meeting with Diversion Manager
- Failure to appear on scheduled court date
- Failure to follow the request of task, as applied by Treatment Facilitator
- Failure to follow the request of task, as applied by Treatment Facilitator
- Any other act that the Drug Court Team believes to be in violation of the spirit of the Drug Court Program.

Sanctions for failing to meet or violation of the requirements, as outlined in the Drug Court contract (FORM 1030) will include :

- Increased Urine Analysis
- Additional meetings with Diversion Manager
- Additional meetings with Treatment Facilitator
- Additional A.A. or N.A. meetings
- Additional community service hours
- Being demoted to lower program phase
- Imposed curfew
- In-care patient treatment
- Serving a period of time in jail
- Termination from Drug Court Program

Due to the unique concept of the Drug Court Program each participant will be evaluated on a weekly bases by at least two members of the Drug Court Team, and again on a bi-weekly bases when the Drug Court Team is regularly scheduled to convene. As the team, through intensive supervision and repetitive review of progress, will become uncharacteristically familiar with the capabilities, potentials, and limits of each individual participant, implementation of sanctioning will be applied based on the background knowledge of and to each individual participant, with consideration being given to the severity and/or the frequency of the violation, at the discretion and consensus of the Drug Court Team.

Termination from the Drug Court program will only be implemented when there is a consensus among the Drug Court Team that a participant has been given ample opportunity to conform to the requirements of the Drug Court contract, and participant's actions suggest a refusal to comply to such requirements.

## **AWARDING INCENTIVES**

Successful completion resulting in graduation for all participants is the primary goal of Drug Court Program. With this goal being met, the mission of the Drug Court Program will be accomplished. As is evident with most human beings, in the majority of circumstances, people respond measurably higher when given positive reinforcement for their actions. Participants of the Drug Court Program will be afforded the same consideration.

Incentives may be awarded to a participant, with the consensus of the Drug Court Team, when the participant exhibits exceptional progress in:

- Exceptional progress review by Treatment Facilitator
- Exceptional progress review by Diversion Manager
- Special recognition for superior attitude while in program
- Overcoming a difficult personal situation (death in family, etc.)
- Early completion of community hours
- Advancement to higher phase level
- Graduating from the program
- Other situations that warrant recognition

Incentives that the Drug Court Team can award to participants may include, but are not limited to:

- Reduction of required urine analysis
- Reduction of meetings with Diversion Manager
- Reduction of meetings with Treatment Facilitator
- Early advancement to a higher phase level
- Certificates of Accomplishment
- Gift certificates for meals
- Passes to area shows

As with the enforcement of sanctions, and the unique concept of the Drug Court Program, each participant will be evaluated on weekly bases by at least two members of the Drug Court Team, and again on a bi-weekly base when the Drug Court Team is regularly scheduled to convene. The team, through intensive supervision and repetitive review of progress, will become uncharacteristically familiar with capabilities, potentials and limits of each individual participant. Awarding of Incentives will be used to reinforce successful participation and other situations that the team warrants to be significant, or results in a positive impact on the participant.

## **DRUG COURT FILE**

When an application has been submitted to the Drug Court team for review of admissions, the Coordinator will establish a Drug Court file. This file will be completely separate from the criminal file and will be kept closed to the general population, and accessible only to the members of the Drug Court Team. The Drug Court file will contain a docket entry by the Judge for each court appearance, as well as results from urine analysis, a brief synopsis of the participant's progress, all recommendations made by consensus of the team, any sanctioning imposed, and awarding of incentives. This file is to be used solely for the purpose of Drug Court. The information in the Drug Court file can not be used against the defendant/participant in any other court of law.

## **DRUG COURT FEES**

Upon acceptance into the Drug Court Program, the participant will be required to pay a \$50.00 entrance fee, \$5.00 for each court appearance, and an exit fee not to exceed \$100.00. All fees will be paid to the Division I Circuit Clerk. The \$50.00 entrance fee must be paid, in full, upon entrance into the Drug Court Program. The \$5.00 fee for each court appearance must be paid prior to each court appearance, and the participant will be expected to show proof of payment at each court appearance. The exit fee will consist of \$25.00 fee for the Drug Court Program and a \$15.00 fee for dismissal of criminal case on a pre-trial diversionary track, or \$67.50 fee dismissal of a post-plea probationary track. The exit fees must be paid in full, prior to the participant is permitted to graduate and criminal charges are dismissed. The combined exit fees are not to exceed \$100.00. All cost incurred for boarding and/or community service are in addition to the Drug Court fees, and are the responsibility of the defendant/participant to pay. Fees paid to the Division I Circuit Clerk for the Drug Court Program will not be reimbursed if the participant voluntarily withdraws after the ten (10) day grace period, or if the participant is terminated from the program by order of the Judge.

## **GRADUATION**

A participant will be eligible for graduation when they have successfully completed all phases of the Drug Court Program, as out lined in program phases (page ??) and has met all the requirements on form 1050. When graduation has been granted the criminal charge(s) will be dismissed if on a pre-trial diversionary track or expunged if on a post-plea probationary track.

## **TERMINATION**

Termination from the Drug Court program will be implemented when there is a consensus among the Drug Court Team that a participant has been given ample opportunity to conform to the requirements of the Drug Court, and participant's actions

suggest a refusal to comply with such requirements. In the event that the team deems it necessary to terminate a participant from the Drug Court program, the Coordinator will complete order to terminate (FORM 1060) and present to Judge for signature. Participant need not be present for judgement of termination. When termination from program is final, the Drug Court case will be closed and the defendants criminal case will be re-opened and the client will be ordered to appear in Division I Circuit Court for sentencing. Defendant is not entitled to reimbursement of any fees paid to the Division I Circuit Clerk for the Drug Court Program.

## **VOLUNTARY WITHDRAW**

Once the participant has been formally accepted into the Drug Court Program by consensus of the Drug Court Team, and the Drug Court contract, clients rights and benefits, and the Drug Court Waiver (forms 1030 , 1030-B, and 1035) have been signed by the Judge, Prosecuting Attorney , Public Defender or private counsel, and participant, the participant will have ten (10) calendar days to submit a petition (FORM 1070) requesting voluntarily withdraw from Drug Court Program, to the Drug Court Coordinator. If petition is withdrawn within the ten day grace period, the defendant's criminal case will be continued in Division II Circuit Court, with the previously stipulated dates for appearance. Entrance fee of \$50.00 may be returned to defendant.

If the participant voluntarily withdraws from the Drug Court Program any time after the ten day grace period, the Drug Court Team will review case and recommend termination from program, and the criminal case will be remanded to Division I Circuit Court. No fees paid to that point will be returned to the defendant.

# 44<sup>th</sup> Judicial Circuit Drug Court

## FORMS

**44<sup>th</sup> Judicial Circuit  
Drug Court**

TALLAGE

GRADE

WEIGHT

**PETITION TO ENTER 44<sup>TH</sup> JUDICIAL DRUG COURT PROGRAM**

Please accept this petition as application for voluntary participation into the 44<sup>th</sup> Judicial Drug Court Program. I understand the Drug Court Program is a deferred sentencing process that is based on an intensively supervised treatment and educational program.

Application submitted on this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_.

\_\_\_\_\_  
DEFENDANT

\_\_\_\_\_  
DEFENCE ATTORNEY

Application hereby accepted on this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_.

\_\_\_\_\_  
DRUG COURT COORDINATOR

# 44<sup>th</sup> Judicial Circuit Drug Court

DOXIGLAS

OZARK

WEIGHT

## PERSONAL WORK-UP SHEET

CRIMINAL CASE # \_\_\_\_\_ CHARGE \_\_\_\_\_

LAST NAME \_\_\_\_\_ FIRST \_\_\_\_\_ MI \_\_\_\_\_

MAIDEN OR ALIAS \_\_\_\_\_ SOCIAL SECURITY \_\_\_\_\_

AGE \_\_\_\_\_ BIRTHDATE \_\_\_\_\_ GENDER MALE/FEMALE RACE \_\_\_\_\_

ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

HOME PHONE \_\_\_\_\_ MESSAGE \_\_\_\_\_

MARITAL STATUS: SINGLE \_\_\_\_\_ MARRIED \_\_\_\_\_ DIVORCED \_\_\_\_\_ CO-HABITATING \_\_\_\_\_

PLEASE LIST ALL PERSON, RELATED OR NOT CURRENTLY LIVING WITH YOU

| NAME (S) | RELATION | AGE   | GENDER |
|----------|----------|-------|--------|
| _____    | _____    | _____ | _____  |
| _____    | _____    | _____ | _____  |
| _____    | _____    | _____ | _____  |
| _____    | _____    | _____ | _____  |

HIGH SCHOOL DIPLOMA YES / NO GED. YES / NO COLLEGE DEGREE YES / NO

TECHNICAL TRAINING YES / NO IF YES, WHAT FIELD? \_\_\_\_\_

CURRENTLY EMPLOYED YES / NO WHERE \_\_\_\_\_

HOW LONG \_\_\_\_\_

IF NOT CURRENTLY EMPLOYED, PLEASE LIST LAST EMPLOYER \_\_\_\_\_

REASON FOR LEAVING \_\_\_\_\_

**MEDICAL BACKGROUND**

ARE YOU CURRENTLY PREGNANT? ..... YES / NO

EVER BEEN TREATED FOR DEPRESSION?... ..... YES / NO

EVER BEEN TREATED FOR ANXIETY? .. ..... YES / NO

EVER BEEN DIAGNOSED AS MENTALLY ILL? ..... YES / NO

EVER RECEIVED SUBSTANCE ABUSE TREATMENT? ... YES / NO

WHEN AND WHERE: \_\_\_\_\_

ARE YOU CURRENTLY TAKING ANY MEDICATION?..... YES / NO

IF YES, PLEASE LIST \_\_\_\_\_

LIST ANY OTHER MEDICAL CONDITION: \_\_\_\_\_

PRIMARY PHYSICIAN \_\_\_\_\_ PHONE \_\_\_\_\_

EMERGENCY CONTACT \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_ WORK PHONE \_\_\_\_\_

RELATIONSHIP TO YOU \_\_\_\_\_

tgs/2000

# 44<sup>TH</sup> Judicial Circuit Drug Court

CLERKS

CLERK

MAGIST

## INITIAL ELIGIBILITY FORM

DEFENDANT \_\_\_\_\_ SSN \_\_\_\_\_  
 Criminal Case \_\_\_\_\_ Charge(s) \_\_\_\_\_  
 Referral Date \_\_\_\_\_

## QUALIFYING CONSIDERATIONS

(Check all categories that apply)

- ☐ Defendant is charged with felony possession of a Controlled Substance  
☐ Defendant is charged with distribution or Intent to distribute controlled Substance  
☐ Defendant is charged with burglary (In order to support drug habit)  
☐ Defendant is charged with possession of Fraudulent Prescription drugs  
☐ Defendant is charged with possession of narcotic paraphernalia  
☐ Defendant test positive for being under the influence of chemicals at time of arrest  
☐ Defendant charged with supplying alcohol to a minor  
☐ Defendant admits drug use to arresting police officer  
☐ Family or friends indicate personal problems associated with chemical substances  
☐ Other consideration \_\_\_\_\_

## DISQUALIFYING CONSIDERATIONS

(Check all categories that apply)

- ☐ Defendant is charged with a violent crime or has prior violent history  
☐ Defendant has three (3) or more prior felony convictions  
☐ Defendant is currently under felony probation or parole supervision  
☐ Defendant is or has been charged with felony assault with a weapon  
☐ Defendant is charged with manufacturing of a Controlled Substance  
☐ Defendant has prior conviction of misdemeanor or felony sexual offense  
☐ Defendant has another pending criminal case that will deem them ineligible  
☐ Other \_\_\_\_\_

☐ ELIGIBLE FOR CONSIDERATION  
☐ NOT ELIGIBLE FOR CONSIDERATION

DATE \_\_\_\_\_  
 DATE \_\_\_\_\_

# 44<sup>th</sup> Judicial Circuit Drug Court

DOUGLAS

OZARK

WRIGHT

P.O. Box 276

Ava, MO 65608

(417) 663-2114

## Steps for Participant Entry

Once a participant has completed the eligibility work-up sheet, and their case has been referred to the Drug Court team, the participant must complete the following steps *before* the Drug Court team can render a decision of acceptance or denial into the Drug Court Program.

STEP 1.) Contact Probation & Parole Officer, \_\_\_\_\_ at West Plains Department of Corrections, 1580 Imperial Center. Phone number is (417) 256-6178. Schedule time to meet with probation officer to fill out necessary paper work. This process takes approximately 1/2 hour. You may be asked to submit to a urine analysis at this time.

STEP 2.) Contact South Central Missouri Rehabilitation Center at (417) 256-2570. Tell receptionist that you have been referred to the Drug Court Program and need to schedule an appointment to take the ISAP screening. AND schedule a separate appointment to meet with \_\_\_\_\_ for a private evaluation. This process takes approximately 1 1/2 to 2 hours, if they can be scheduled at the same time. Please note that scheduling meetings back to back is not always possible, and it may be more beneficial for both parties to schedule the private evaluation at a designated location in the same county as the Drug Court program you are requesting admittance into.

STEP 3.) Appear in court on \_\_\_\_\_ at 8:45AM, in \_\_\_\_\_ county. Be prepared to pay a \$50.00 entrance fee if application/petition for acceptance is granted.

## 44th Judicial Circuit Drug Court

## CONTRACT

Name \_\_\_\_\_ Case No. \_\_\_\_\_

I agree to enter the Drug Court Program, and by doing so I understand I have certain obligations and responsibilities. I agree to follow the orders given to me by the Judge, Diversion Manager, Drug Treatment Facilitator, or other as agreed upon by the Drug Court Team.

## PARTICIPANT RESPONSIBILITIES

1. I acknowledge that I am giving up my right to a preliminary hearing (no remands)
2. I acknowledge that I am giving up my right to a speedy trial during my participation in the Drug Court program.
3. I agree to attend all court sessions as ordered.
4. I understand, and agree that I must be completely honest and tell the truth while participating in the Drug Court Program.
5. I agree to follow the treatment plan as directed by the Drug Court Team.
6. I agree to not violate the law. I understand that if I engage in any criminal act, I will be prosecuted for the charges pending against me, and terminated from the Drug Court Program.
7. I agree to notify my Diversion Manager within 72 hours of any change in my address, phone number, or place of employment.
8. I agree to notify my Diversion Manager before leaving the county, in which I reside, for more than 48 consecutive hours.
9. I must submit to random personal urine samples for testing, upon request.
10. I understand that the Drug Court Program will run between twelve (12) and eighteen (18) months, depending on my success and that I must pay an initial fee of \$50.00 to the Drug Court, as well as a \$5.00 fee for each court appearance.
11. I understand that I must complete 40 hours of Community Service, and that I am responsible for such fees associated with community service plan.
12. I understand that if restitution is owed, I must pay this amount in full, as ordered by the court.
13. I agree to meet any court ordered financial obligations that I may have while participating in the Drug Court.
14. I understand that I must follow the directives given to me and remain drug free. If I fail to do so, the Judge may impose sanctions upon me which can include, but are not limited to:
  - a. Additional Community Service
  - b. A period of incarceration in County Jail
  - c. Extra Individual sessions in counseling
  - d. Extra Group sessions
  - e. Extra AA/NA meetings
  - f. Residential treatment
  - g. 48 hr. intensive Program (Weekend Relapse Intervention Program)
  - h. Possible 120 day I.T.C. thru Missouri Department of Corrections
  - i. Termination for the Drug Court Program
15. Should termination for Drug Court Program be imposed, the range of punishment for the charge(s) against me are: \_\_\_\_\_

**CLIENT RIGHTS AND BENEFITS****I UNDERSTAND THAT:**

1. I have the right to an attorney who may advise me on my rights regarding the Drug Court proceedings.
2. Once I have voluntarily agreed to participate in the Drug Court Program I will have ten (10) calendar days to withdraw from program and have my case returned to the regular court docket for trial and prosecution of said matter. After ten (10) day grace period, if I decided to terminate my participation in the Drug Court Program, I will be bound by contract agreement and prosecuted on the charge(s) pending against me.
3. During the time of my participation in the Drug Court program, prosecution of the criminal charge(s) against me will be stayed, or expunged from my record upon successful completion of the program.
4. Upon successful completion of the Drug Court Program, the criminal charge(s) against me will be dismissed or expunged, and I can never be convicted for those charges again.
5. If I voluntarily terminate my participation or am terminated by decision of Judge, anything I have said concerning my drug use while in the Drug Court Program cannot be used against me in another Court of Law.

**I UNDERSTAND THAT IF I AM TERMINATED FROM THE DRUG COURT PROGRAM MY CONDUCT WHILE IN THE PROGRAM MAY BE CONSIDERED BY THE JUDGE DURING SENTENCING.**

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 PARTICIPANT SIGNATURE

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 DATE

---

 JUDGE SIGNATURE

---

 DATE

**44th Judicial Circuit  
Drug Court**

DOUGLAS

OZARK

WRIGHT

**Drug Court Waiver**

STATE OF MISSOURI v \_\_\_\_\_ Date \_\_\_\_\_

Drug Court Case No: \_\_\_\_\_ Criminal Case No. \_\_\_\_\_

**DEFENDANT WAIVER UPON ENTRY INTO DRUG COURT**

- ☐ State appears by Prosecuting Attorney
- ☐ Defendant appears in person and/or by Attorney
- ☐ Documentation filed

As the Defendant and by your consent to voluntarily enter into the Drug Court Program, you hereby understand and agree that:

- ☐ You have waived your right to a formal arraignment
- ☐ You have waived your right to a preliminary hearing (will not be remanded)
- ☐ You have waived your right to a speedy trial
- ☐ You understand that you can quit the program at any time. If you choose to quit the program, or are terminated from the program by order of the Judge, you will be prosecuted on the charge(s) pending against you.

**DRUG COURT PROGRAM**

- ☐ **PRE-TRIAL DIVERSIONARY PROGRAM:** Upon successful completion of the Drug Court Program, the criminal charge(s) against you for this case, will be dismissed and you can never be convicted for those charges.
- ☐ **POST-PLEA PROBATIONARY PROGRAM,** Upon successful completion of the Drug Court Program, the criminal charge(s) against you for this case, will be expunged from your criminal record for most purposes, and you can never be convicted for those charges.
- ☐ You have signed and received a copy of the Drug Court Contract. You are expected to abide by that contract as well as the items listed above

\_\_\_\_\_  
DEFENDANT

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DEFENDANT'S ATTORNEY

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PROSECUTING ATTORNEY

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JUDGE

\_\_\_\_\_  
DATE

tjs/3-2000

**44<sup>th</sup> Judicial Circuit  
Drug Court**

---

**Information Release**

I hereby grant permission to \_\_\_\_\_ Drug Treatment agency, to release information pertaining to my treatment program, to members of the Drug Court Team. I understand that the information provided will be held in strict confidence among the Drug Court Team and will be used only as a means of evaluating my progress while in the Drug Court program.

I also understand that the information which is released to the Drug Court Team can not be used against me in another court of law, should my enrollment in the Drug Court be terminated for any reason.

This release will remain in force for a period of eighteen (18) months which will begin on the date of my voluntary enrollment into the Drug Court Program.

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PARTICIPANT

---

DATE

---

TREATMENT FACILITATOR

---

DATE

# 44<sup>th</sup> Judicial Circuit Drug Court

DOUGLAS

USAKA

WRIGHT

## GRADUATION REQUIREMENTS

NAME \_\_\_\_\_ Drug Court Case \_\_\_\_\_

Date of Entry \_\_\_\_\_ Date of Graduation \_\_\_\_\_

Participant has successfully completed the following requirements of the Drug Court Program:

- \_\_\_\_\_ Minimum of twelve (12) months of intensive supervision and chemical dependency treatment
- \_\_\_\_\_ 95% attendance at all scheduled court appearances, meetings with Diversion Manager and Treatment Facilitator, and AA or NA meetings
- \_\_\_\_\_ Clean urine analysis for minimum of six (6) consecutive months
- \_\_\_\_\_ Minimum of forty (40) hours of community service
- \_\_\_\_\_ Gainful employment or enrollment in academic program
- \_\_\_\_\_ Submit a written *Personal Statement* essay on the understanding of chemical addiction, criminal behavior, and relapse prevention
- \_\_\_\_\_ Complete a continuing recovery plan with treatment facilitator
- \_\_\_\_\_ Paid all drug court fees in full
- \_\_\_\_\_ Drug Court team jointly agree that participant exhibits understanding of actions that resulted in felony drug related charge, and has sufficiently integrated said information to support recovery

Having met these requirements, the 44<sup>th</sup> Judicial Drug Court orders that the Drug Court Case \_\_\_\_\_ be closed, and criminal case \_\_\_\_\_ be turned over to Division I for closure.

JUDGE \_\_\_\_\_

DATE \_\_\_\_\_

COORDINATOR \_\_\_\_\_

DATE \_\_\_\_\_

# **44<sup>th</sup> Judicial Circuit Drug Court**

JUDGE

CLERK

WRIGHT

Participants Name \_\_\_\_\_ SSN \_\_\_\_\_

Drug Court Case \_\_\_\_\_ Criminal Case \_\_\_\_\_

Date of entry into Drug Court Program \_\_\_\_\_

Date of termination \_\_\_\_\_

## **ORDER TO TERMINATE**

As of \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_,  
the above named defendant had been formally terminated from the 44<sup>th</sup> Judicial  
Drug Court Program, and is hereby remanded to Division I of the 44<sup>th</sup> Judicial  
Circuit Court for further criminal proceedings.

Defendant is hereby ordered to appear in Division I of the 44<sup>th</sup> Judicial Circuit  
Court, on \_\_\_\_\_, 20 \_\_\_\_ at \_\_\_\_\_ AM/PM.  
in \_\_\_\_\_ county.

So Ordered.

JUDGE \_\_\_\_\_

DATE \_\_\_\_\_

# **44<sup>th</sup> Judicial Circuit Drug Court**

PROSECUTOR

CLERK

WITNESS

Participant/Defendant \_\_\_\_\_ SSN \_\_\_\_\_

Drug Court Case \_\_\_\_\_ Criminal Case \_\_\_\_\_

Date of Acceptance into Drug Court Program \_\_\_\_\_

Date of withdraw from Drug Court Program \_\_\_\_\_

## **ORDER TO WITHDRAW**

As of \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_,  
the above named participant request to submit petition for voluntary withdraw  
from the 44<sup>th</sup> Judicial Drug Court Program.

\_\_\_\_\_  
Participant\_\_\_\_\_  
Date\_\_\_\_\_  
Coordinator\_\_\_\_\_  
Date**WITHDRAW GRANTED:**\_\_\_\_\_  
JUDGE\_\_\_\_\_  
Date

APPLICANT NAME \_\_\_\_\_ CASE NO. \_\_\_\_\_

### PROSECUTING ATTORNEY

CHARGES PENDING \_\_\_\_\_

PENALTY \_\_\_\_\_

PRIOR FELONY CONVICTION \_\_\_\_\_

PRIOR MISDEMEANOR \_\_\_\_\_

RECOMMENDATIONS: \_\_\_\_\_

INITIAL/DATE \_\_\_\_\_

### TREATMENT FACILITATOR

ADMINISTERED STANDARDIZED ASSESSMENT TESTING \_\_\_\_\_

TESTING INDICATES PROBABLE ADDICTION TO \_\_\_\_\_

RECOMMENDATIONS FOR DRUG TREATMENT: \_\_\_\_\_

INITIAL/DATE \_\_\_\_\_

### PROBATION OFFICER

BACKGROUND CHECK: \_\_\_\_\_ FINDINGS \_\_\_\_\_

INITIAL/DATE \_\_\_\_\_

### DRUG COURT TEAM

\_\_\_\_\_ APPLICANT ACCEPTED START DATE \_\_\_\_\_

\_\_\_\_\_ APPLICANT DENIED DATE \_\_\_\_\_